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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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9 Trevor Reid, et al.,

No. CV-22-00068-PHX-SMB

10 Plaintiffs,

ORDER

11 v.

12 United States of America, et al.,

13 Defendants.

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15 On November 23, 2022, Defendant United States of America filed a Partial
16 Motion to Dismiss Amended Complaint Pursuant to Rule 12(b)(1) (Doc. 33). Because
17 Plaintiffs are acting *pro se* in this matter, the Court advises Plaintiffs of the following:

18 I. RULE 7.2(i) CAUTIONARY NOTICE

19 LRCiv 7.2(i) states in relevant part: “[I]f the opposing party does not serve and file
20 the required answering memoranda . . . such non-compliance may be deemed a consent to
21 the denial or granting of the motion and the Court may dispose of the motion summarily.”
22 *See Brydges v. Lewis*, 18 F.3d 651, 652 (9th Cir. 1994). Plaintiffs should take notice that
23 failure to respond to Defendant’s Motion by the deadline set forth in this Order will result
24 in the Court deeming Defendant’s Motion as being unopposed and consented to by
25 Plaintiffs. *See id.* (affirming the district court’s summary granting of a motion for
26 summary judgment under Local Rule 7.2(i) when non-moving party was given express
27 warning of consequences of failing to respond).

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It is the obligation of Plaintiffs to timely respond to all motions. Defendant's Motion will be summarily granted if Plaintiffs fail to respond in accordance with the provisions of this Order.

II. RULE 41 CAUTIONARY NOTICE

Plaintiffs should also take notice that if they fails to timely comply with every provision of this Order, or any other Order of the Court entered in this matter, Plaintiff's Complaint and this action may also be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992) (holding that the district court may dismiss an action for failure to comply with any order of the court), *cert denied*, 506 U.S. 915 (1992). Therefore, Plaintiff is warned that failure to strictly adhere to the provisions of this or any other Court Order may result in dismissal of the Plaintiff's Complaint pursuant to Rule 41.

The Court also advises Plaintiffs that certain resources for self-represented parties, including a handbook and the Local Rules, are available on the Court's website, www.azd.uscourts.gov, by following the link "For Those Proceeding Without an Attorney."

Accordingly,

IT IS ORDERED that Plaintiff shall file with the Clerk of the Court and serve on opposing counsel a responsive memorandum to the Partial Motion to Dismiss Amended Complaint Pursuant to Rule 12(b)(1) (Doc. 33) no later than **December 23, 2022**.

IT IS FURTHER ORDERED that the Motion shall be deemed ready for decision without oral argument on the day following the date set for filing a reply unless otherwise ordered by the Court.

Dated this 28th day of November, 2022.


Honorable Susan M. Brnovich
United States District Judge